

MEMO ENDORSED

The Application is granted.

August 26, 2021

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

August 27, 2021

Dated: _____

Via ECF

Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

**Re: United States v. Avenatti, No. S1 19 Cr. 373 (PGG)
Unopposed Motion to Extend Surrender Date
To December 15, 2021**

Dear Judge Gardephe:

We write to request an extension of Mr. Avenatti's surrender date until December 15, 2021. AUSA Robert Sobelman has advised that the government does not oppose this motion.

On July 8, 2021, this Court sentenced Mr. Avenatti to 30 months in prison and set a surrender date of September 15, 2021. (ECF No. 339). That surrender date was scheduled to occur after the anticipated completion of Mr. Avenatti's trial on federal criminal charges pending in the Central District of California.

As this Court may be aware, the California federal trial recently ended in a declaration of mistrial by United States District Judge James Selna, after approximately five weeks, based on the government's failure to turn over evidence. Judge Selna has scheduled a retrial to commence on October 12, 2021. Mr. Avenatti is representing himself and, based on the volume of documents, number of government witnesses, and the need for Mr. Avenatti to be able to prepare his defense and communicate with defense witnesses, it is critical that he not be in custody during the retrial. He has complied with his bond conditions throughout his entire period of pretrial and post-sentencing release, and appeared in court every day as required during the first California federal trial.

Accordingly, Mr. Avenatti respectfully requests an extension of his surrender date until December 15, 2021, to allow for sufficient time for the completion of his retrial in California given the currently scheduled date. Thank you for your consideration.

Respectfully Submitted,
/s Scott Srebnick
Scott A. Srebnick
E. Danya Perry